

## **DID YOU KNOW...**

You can actually track the progress of your case online through the portal (to a certain degree)? You can...log into the system (where you renew your license annually) and click on your license number...it should be viewable to you.

And what you are seeing is NOT “public” but only viewable by you... Cases only become public if/when the Board takes an action against you such as issuing a reprimand, fining you, revoking your license, suspending your license...those sorts of actions. The case then becomes “public.” Up until that happens, it remains private, between you and the Board – yet you CAN see what’s happening with your case...

What you can see is primarily the “status” of your case...but

## **WHAT DO THOSE VARIOUS STATUSES MEAN?**

**Received** – basically means we have received it; you probably won’t see that status because shortly after we receive a case referral or report, we notify you and at that point the status changes to “Pending Administrator Response.” In some rare cases, however, it is possible that you may log into the system and see this status alongside a case and that could indicate that we are waiting for some additional information prior to notifying you (we have 90 days to initiate these cases, which can also be extended by a vote of the Board if necessary). In most cases, it would have been simply a clerical error that the status was not changed (and if you have notice of the case, you would know that).

**Pending Administrator Response** – once we have received a referral or report, we notify you and ask that you respond. This initiates OUR formal investigation into this referral or report. You SHOULD be receiving a letter from us detailing this (and we intend to enclose THIS explanation with that initial letter, too). If you’ve received this with such a letter, this is more than likely the current status of your case. In your response, you should inform us if you intend to IDR the survey results or to appeal to CMS (for survey referrals). If you have an attorney (at your own expense), that is perfectly within your rights and many people do (most do not), but you should also inform us if you do and let us know who that person is and how we can contact them (they should know to include this in your response but it wouldn’t hurt for you to remind them).

**Ready for PCC** – once you have responded and told us your side of the story (which we do think is a very good idea), this is the next status your case will enter (hopefully only for a brief time while it is assigned to a PCC (Probable Cause Committee) subcommittee. There are actually 3 sub-committees that comprise the PCC and depending on the current case load, it may be a sort wait before your case is assigned to one of these subcommittees to review your case and make their recommendation.

**Pending Probable Cause Determination** – When your case is in the hands of one of these subcommittees, THIS is the status of your case at that time. At this point, this subcommittee is looking at the evidence provided (what the survey team or other reporters have provided as well as your response) and making a determination as to whether they think it’s PROBABLE that you may have violated one or more of our rules and the things the Board can take action for ARE listed in our rules at

OAC 490: 10-5-3(a), items 1-26. The status that follows this one can be insightful as it reflects the recommendation of the subcommittee.

**Pending Dismissal w/No PC** – This status tells you that a majority of the subcommittee (at least 2 out of three) will be recommending to the Board (at the next Board meeting) that the case be dismissed...that the majority of them do NOT think that you have violated any of our rules and that the case should be dismissed. The Board has the right (and authority) to overrule such a recommendation but rarely does (though they have). If it's not a unanimous recommendation, the dissenting committee member has the option to speak up (if they feel strongly about it) and try to persuade the Board that it needs to be reconsidered and not yet dismissed. If/When that occurs, the committee will give the case further scrutiny and come back with another recommendation (or the same one). At Board meetings, the "details" of your case are carefully NOT discussed and your name and the name of the facility are not even used – only minimal details are discussed so as not to have the Board "hear" and "try" your case without you being present to defend yourself.

**Pending Settlement/Hearing** - This status is an indication that a majority of the subcommittee has found that probable cause exists and your case is with our prosecuting attorney. He's either drafting a "Complaint" to be sent to you, or perhaps we're beyond that point and we're either talking about "settling" the case or it's headed for a formal hearing. At this point, you should note that you are being held accountable for our attorney's expenses/charges.

Additional Statutes that might follow:

**Administratively Closed** – if you go to IDR or CMS and there is a change to the 2567 that takes the report out of the "reportable" range to us, your case would be administratively closed and not taken to the Board or PCC. If a citizen were to "withdraw" a report they made about you, this is also the status we would assign to that case at that point.

**Dismissed with NO PC** – tells you that the Board took the committee's recommendation and the case was closed without probable cause being found.

**Closed – Not Reportable** – This would follow the "Pending Settlement/Hearing" status in the rare cases that the Board found a problem but did not think it rose to the level of issuing a fine, reprimand, suspension or revocation, etc., and their actions were therefore not "reportable" to the national database.

**Closed – Reported to HIPDB and Registry** – Indicates that the case has been documented and is also publicly available for others to see what happened.

**Pending IDR Results** or **Pending CMS Results** – if you're appealing to either of these, this tells you that your case is "on hold" until we hear those results. CMS appeals are VERY time consuming and some administrators have asked that their case be reviewed by our committee prior to that appeal and they use those results (when favorable) as part of their appeal (part of their strategy).

**Pending Legal Outcome** – rare status where our results may depend on the results of a court case.